

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

ANDRE' S. MYERS,

Plaintiff,

vs.

**Case No.: 2:19-cv-3523
JUDGE GEORGE C. SMITH
Magistrate Judge Deavers**

MS. LEASURE, et al.,

Defendants.

ORDER

On August 22, 2019, the United States Magistrate Judge issued a *Report and Recommendation* recommending that the Plaintiff's Complaint be dismissed in its entirety pursuant to 28 U.S.C. § 1915(e)(2) for failure to state a claim on which relief may be granted. (*See Report and Recommendation*, Doc. 2). The parties were advised of their right to object to the *Report and Recommendation*. This matter is now before the Court on Plaintiff's Objections. (*See* Doc. 3). The Court will consider the matter *de novo*. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3).

In Plaintiff's objections, he merely restates his claims and/or points out minor errors in the *Report and Recommendation*. The errors include incorrect page number references and items that the Court should take judicial notice of. (*See* Doc. 3). Additionally, Plaintiff objects to omitted appended exhibits and grievances, displaced averments and allegations, failure to make reference to numbered paragraphs, and obfuscated claims for relief. However, Plaintiff has failed to demonstrate how the Magistrate Judge's conclusions regarding the causation element of a retaliation claim were incorrect. The Magistrate Judge found that Plaintiff's claims that

Defendants conspired to retaliate against him for filing complaints in the prison grievance system are purely conclusion and, without more, too attenuated to support a retaliation claim. The Court agrees that Plaintiff's allegations are conclusory. Plaintiff has not come forward with any additional arguments or evidence. He does argue in Objection #12 that there was temporal proximity of 25 days between the protected conduct and the adverse action. (Doc. 3 at 4). However, without more, this is not enough as mere correlation does not imply causation. *See Muhammad v. Close*, 379 F.3d 413, 417-18 (6th Cir. 2004); *see also Watson v. Rozum*, 834 F. 3d 417, 422 (3d Cir. 2016).

Therefore, for the reasons stated in detail in the *Report and Recommendation*, this Court finds that Plaintiff's objections are without merit and are hereby **OVERRULED**.

The *Report and Recommendation and Order*, Document 2, is **ADOPTED** and **AFFIRMED**. Plaintiff's Complaint is hereby **DISMISSED**.

The Clerk shall remove Documents 2 and 3 from the Court's pending motions list and close this case.

IT IS SO ORDERED.

/s/ George C. Smith
GEORGE C. SMITH, JUDGE
UNITED STATES DISTRICT COURT